**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 11159 of 2006**

**For Approval and Signature:**

**HONOURABLE MR. JUSTICE B.J.SHETHNA**
**HONOURABLE MR.JUSTICE MD SHAH**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**RANDHEJA DOODH UTPADAK SAHKARIMANDLI LTD. & 5 - Petitioner(s)**
**Versus**
**STATE OF GUJARAT & 3 - Respondent(s)**

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**Appearance :**
MR RAVINDRA SHAH for Petitioner(s) : 1 - 6.MRS KANAN R SHAH for Petitioner(s) : 1 - 6.
MR AJ DESAI AGP for Respondent(s) : 1 to 3,
DS AFF.NOT FILED (R) for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 2 - 4.
NOTICE SERVED BY DS for Respondent(s) : 3,
MR BS PATEL for Respondent(s) : 4,
MRS RANJAN B PATEL for Respondent(s) : 4,

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**CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA**

**and**

**HONOURABLE MR.JUSTICE MD SHAH**

**Date : 07/08/2006**

**ORAL JUDGMENT**

**(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)**

Heard learned counsel Mr.Shah for the petitioners, Mr.A.J.Desai, learned AGP for respondent Nos.1 to 3 and Mr.B.S.Patel for newly added respondent No.4-Gandhinagar District Co-op. Milk Producers Union Ltd.

The petitioners have prayed in this petition to direct the respondent authorities to hold the election of the Board of Directors of the respondent No.4 at the earliest.

In response to the notice served upon the respondent authorities and as per the order 3.8.2006 passed by this court, Ms.Sonal Mishra, learned Collector and Election Officer, Gandhinagar has personally remained present and tendered her sincere apology for not responding to the notice issued on earlier occasion. She stated that all the fax messages did not reach her and that is why she was not in a position to give any instructions to the learned AGP. However, she has assured that in future she will fully cooperate in the court proceedings.

Mr.Patel for the newly added respondent No.4

states that they have already sent the voters list to both the authorities i.e. the Collector and Election Officer as well as the Registrar of Cooperative Societies on 21.7.2006. Mr.Patel further states that till the fresh elections are held, they will not take any policy decisions, including giving employment to any person.

Mr.Desai, learned AGP, on the instruction from the Collector and Election Officer, Gandhinagar, Ms.Sonal Mishra, states that the election programme will be declared as early as possible. However, it was brought to our notice that there is an interim order passed by the Board of Nominees in Restoration Application No.57 of 2006 filed by Mr.Raghabhai Melabhai, President of Motipura Milk Producers Co-op. Society Ltd. restraining the respondent authorities from holding the election of the Board of Directors of the respondent No.4. Initially, the interim order was granted till 31.7.2006 and the matter is now adjourned to 28.8.2006 by the Board of Nominees. However, they are not informed about the extension of interim relief which was initially granted up to 31.7.2006. In that view of the matter, the respondent No.1 shall declare the election programme as early as possible preferably within one week from today.

In view of the above, Mr.Shah, learned counsel for the petitioners, seeks permission to withdraw this petition, at this stage. Accordingly, permission is granted. Disposed of as withdrawn, at this stage. Rule discharged. No order as to costs.

**(B.J.SHETHNA, J.)**

**(M.D.SHAH, J.)**

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